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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/555,425

05/30/2000

ANDREAS HIRN

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2098

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06/30/2004

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EXAMINER

PATEL, KANJIBHAI B

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 06/30/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/555,425

Applicant(s)

HIRN, ANDREAS

Examiner

Kanji Patel

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-8 and 10-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 6-8, 10-24 is/are allowed.
- 6) ☒ Claim(s) 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response to Amendment

1. In response to applicant's amendment filed June 1 2004 (Paper No. 11/C), all the changes in the specification and in the claims have been entered and made of record.

With this amendment, claims 4-5 and 9 are cancelled. Claims 1, 3, 6, 24 and 25 are amended. Claims 1-3, 6-8 and 10-25 are pending in the application.

Drawings filed on 6/1/04 have been approved by the examiner.

In response to applicant's amendment and persuasive arguments (see pages 13-14 of the remarks), with respect to independent claims 1, 3 and 24, the rejection under 102(e) has been withdrawn and these claims, plus including all the dependent claims 2, 6-8 and 10-23 are allowed now.

The reference of Tepmongkol discloses how to scale by a factor of 2 to get resolution from 300 dpi to 600 dpi as clearly shown in figures 1 and 6 and explained at least in column 3 line 65 to column 4 line 15. So Tepmongkol clearly discloses the resolution conversion using integer or whole number scale factor. However, Tepmongkol does not address fractional or non-whole number scaling factor for resolution conversion. These features are added in the amended independent claims 1, 3 and 24 to overcome the reference of Tepmongkol. However, the applicant did not amend the independent claim 25 like the other independent claims. Therefore, the rejection of claim 25 is still rejectable over the reference of Tepmongkol and thus the rejection has been maintained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Tepmongkol (US 5,757,982).

For claim 25, Tepmongkol discloses a method for converting digital source data in a raster of a first resolution into digital target data in a raster of a second resolution (figures 1-4) via scaling by at least one scaling factor (column 3, lines 10-12; scaling factor for resolution conversion is 2) according to a scaling rule and smoothing according to a smoothing rule, comprising the steps of:

(a) prescribing a scaling rule for scaling the data by at least a scaling factor from a plurality of selectable scaling rules (column 3 line 65 to column 4 line 30; equations 1 and 2 provide selection of four possible conditions corresponding to four scaling rules);

(b) prescribing a smoothing rule for smoothing the source data from a plurality of selectable smoothing rules (equation 2 provides four smoothing rules corresponding to four possible conditions as explained at least in column 4, lines 1-30);

(c) combining the scaling rule and the smoothing rule into a single scaling and smoothing rule (at least step 117 in figure 1 reads on combining scaling and smoothing in a single scaling and smoothing criteria or rule), such that

(c1) each source datum (in figure 2A, 3x3 window 201 provides a source datum) can be employed for smoothing all neighboring source data (in figure 2A, Y is a candidate pixel and I1, a, I2, b, d, I3, c, I4 are the neighboring pixels providing neighboring source data),

(c2) a target image matrix (figures 2B and 3 provide target image matrix; also in figure 4, target matrix has resolution of 600 DPI) is associated with each source datum (figure 2A) individually pixel-by-pixel using a surrounding window surrounding the source pixel, and

(c3) the target data are determined from neighboring target image matrices (figures 2B, 3), such that the target data are smoothed in the raster of the source data and the scaling ensues in a single and mutual step (column 4 line 1 to column 5 line 16).

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kanji Patel** whose telephone number is (703) 305-4011. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 6:30 p.m. Friday off.

If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, **Mehta, Bhavesh**, can be reached on (703) 308-5246.

Any inquiry of general nature or relating to the status of this application should be directed to the **Group receptionist** whose telephone number is (703) 305-3800.

The **Fax number** for this group is (703) 306-9306.



Kanji Patel
Patent Examiner
Group Art Unit 2625
June 22, 2004